

ORIGINAL

Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number Jay L. Michaelson/Bar No. 39774 Michaelson, Susi & Michaelson 7 West Figueroa St., 2nd Floor Santa Barbara, CA 93101 (805) 965-1011	FOR COURT USE ONLY FILED 03 AUG 22 PM 3:48 CLERK U.S. BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: GLADYS ROSE JOHNSON LIVING TRUST, Debtor(s).	CASE NO.: ND 01-13141-RR BY: <u>JD</u> DEPUTY

NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: 9/17/03	Time: 10:00 a.m.
Location: 1415 State Street, Courtroom 201, Santa Barbara, CA 93101	

Type of Sale: ☒ Public ☐ Private Last date to file objections: 9/3/03

Description of Property to be Sold: Parcel of residential real property located at 1035 Longview Avenue, Pismo Beach, CA

Terms and Conditions of Sale: SEE ATTACHED

Proposed Sale Price: \$775,000

Overbid Procedure (If Any): SEE ATTACHED

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

Contact Person for Potential Bidders (include name, address, telephone, fax and/or e:mail address):

Jay L. Michaelson
Michaelson, Susi & Michaelson
7 West Figueroa Street, 2nd Floor
Santa Barbara, CA 93101
(805) 965-1011; (805) 965-7351; jay@msmlaw.com

Date: August 22, 2003

1 MICHAELSON, SUSI & MICHAELSON

(SPACE BELOW FOR FILING STAMP ONLY)

2 A Professional Corporation

3 ATTORNEYS AT LAW

4 SEVEN WEST FIGUEROA STREET, SECOND FLOOR

5 SANTA BARBARA, CALIFORNIA 93101-3191

6 Telephone: (805) 965-1011

7 Facsimile: (805) 965-7351

8 JAY L. MICHAELSON, Esq., Bar No. 39774

9 Attorneys for Chapter 7 Trustee, Sandra K. McBeth

10 UNITED STATES BANKRUPTCY COURT

11 CENTRAL DISTRICT OF CALIFORNIA, NORTHERN DIVISION

12 In re

) BK No. ND 01-13141-RR

13 GLADYS ROSE JOHNSON LIVING
14 TRUST,

) Chapter 7

15 Debtor.

) NOTICE OF MOTION FOR ORDER
) AUTHORIZING CHAPTER 7 TRUSTEE
) TO SELL REAL PROPERTY, TO PAY
) COSTS OF SALE INCLUDING A SALES
) COMMISSION, AND TO SATISFY
) DIRECTLY FROM ESCROW CERTAIN
) OBLIGATIONS SECURED BY THE
) PROPERTY TO BE SOLD AND FOR
) WAIVER OF BANKRUPTCY RULE
) 6004(g); OVERBID PROCEDURE

16) Date: September 17, 2003

17) Time: 10:00 a.m.

18) Place: 1415 State Street

19) Courtroom 201

20) Santa Barbara, CA

21
22 TO THE UNITED STATES TRUSTEE, CREDITORS, PARTIES REQUESTING
23 SPECIAL NOTICE, AND OTHER PARTIES IN INTEREST:

24 PLEASE TAKE NOTICE that at the date, time, and place set
25 forth above, Sandra K. McBeth, the Chapter 7 Trustee herein, will
26 move the Honorable Robin L. Riblet, United States Bankruptcy
27 Judge, for an order authorizing her to sell real property of the
28 estate, pay costs of sale, including a sales commission, to

1 satisfy directly from escrow certain obligations secured by the
2 property to be sold, and for a waiver of Bankruptcy Rule 6004(g)
3 (the "motion").

4 The Trustee requests authorization to sell the following
5 real property asset of the estate: a parcel of residential real
6 property located at and commonly known as 1035 Longview Avenue in
7 the City of Pismo Beach, County of San Luis Obispo, State of
8 California (the "Property"), to Effie F. Anastassiou, for
9 \$775,000 cash.

10 In connection with the sale of the Property, Trustee
11 proposes to pay directly from escrow costs of sale, including
12 a sales commission equal to six percent (6%) of the gross sales
13 price divided evenly between David Bjerre, Bjerre & Garcia
14 Realty, Inc., and Prestige Homes, licensed real estate brokers;
15 real property taxes assessed against the Property by the San Luis
16 Obispo County Tax Collector, including prorating real property
17 taxes for the current fiscal year; a promissory note in favor of
18 Residential Funding Corporation secured by a senior deed of trust
19 encumbering the Property; a promissory note in favor of David
20 Reeck and Ninfa Reeck secured by a junior deed of trust
21 encumbering the Property; and a promissory note in favor of David
22 Reeck and Ninfa Reeck secured by a deed of trust encumbering the
23 Property.

24 PLEASE TAKE FURTHER NOTICE that any party in interest
25 wishing to oppose the motion shall file a written objection with
26 the court and serve the undersigned at the address set forth
27 above at least fourteen (14) days prior to the date of the
28 hearing and shall otherwise comply with Rule 9013-1(a)(7) of the

1 Local Rules of the United States Bankruptcy Court for the Central
2 District of California. Any objection not timely filed and
3 served may be deemed waived.

4 PLEASE TAKE FURTHER NOTICE that the court will entertain
5 overbids at the hearing on the motion subject to the following
6 conditions:

7 1. Any party wishing to overbid shall deposit a Cashier's
8 Check for \$50,000.00, made payable to Sandra K. McBeth, Trustee,
9 with the Trustee or her counsel, at or prior to, the hearing.

10 2. The sale shall be upon the same terms and conditions as
11 the proposed sale to Effie F. Anastassiou memorialized in the
12 Escrow Instructions attached to the motion as Exhibit "B." If
13 any of the contingencies in the sale to Effie F. Anastassiou have
14 been satisfied or waived prior to the hearing on the motion, any
15 overbids shall be subject to said waivers and satisfactions.

16 3. Minimum overbid will be five percent (5%) of the
17 proposed sales price for the Property.

18 4. Subsequent overbids will be set by the court.

19 5. Successful bidder shall open escrow within three (3)
20 business days following the hearing.

21 6. The \$50,000.00 Cashier's Check referred to in paragraph
22 1 above shall be forfeited by the successful bidder if escrow has

23 ///

24 ///

25 ///

26 ///

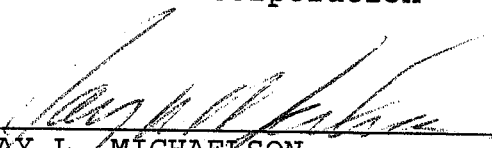
27 ///

28 ///

1 not been opened as set forth above or the sale does not close in
2 a timely manner through no fault of the seller.

3 DATED: August 21, 2003.

4 MICHAELSON, SUSI & MICHAELSON
5 A Professional Corporation

6
7 By 
8 JAY L. MICHAELSON
9 Attorneys for Sandra K. McBeth
10 Chapter 7 Trustee
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF SERVICE

[U.S. Bankruptcy Court, Central District, Local Rule 7004-1(b)

CHERYL NICCOLI, the undersigned, hereby declares:

Declarant is a citizen of the United States and is employed by the law firm of Michaelson, Susi & Michaelson, a Professional Corporation, Seven West Figueroa Street, Santa Barbara, CA 93101. Declarant is over the age of 18 years and is not a party to the within action.

On the 22nd day of August, 2003, at the direction of JAY L. MICHAELSON of said firm and a Member of the Bar of the United States District Court for the Central District of California, I served the:

NOTICE OF MOTION FOR ORDER AUTHORIZING CHAPTER 7 TRUSTEE TO SELL REAL PROPERTY, TO PAY COSTS OF SALE INCLUDING A SALES COMMISSION, AND TO SATISFY DIRECTLY FROM ESCROW CERTAIN OBLIGATIONS SECURED BY THE PROPERTY TO BE SOLD AND FOR WAIVER OF BANKRUPTCY RULE 6004(g); OVERBID PROCEDURE

on the interested parties* in this matter by:


(X) mailing, with postage thereon fully prepaid; () personally delivering; () sending via FAX transmission with confirmation of transmittal by follow-up telephone call and transmit confirmation report to the individuals at the addresses and FAX numbers listed below; or () sending via overnight carrier, a true copy thereof, to said party at his, her, or their known address, to wit:

*Except for those parties listed on Exhibit "A" hereto whose previous correspondence has been returned as undeliverable by the U.S. Post Office.

-SEE ATTACHED LIST-

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Santa Barbara, California, on the 22nd day of August, 2003.


CHERYL NICCOLI, Declarant